

Lady in red

I AM SITTING in Northampton Square, Islington at lunch time eating a sandwich of cotton wool bread and stale chicken. It is a quiet area of grass dotted with a few flowerbeds and surrounded by wrought iron railings. In the middle is something like a bandstand and next to it a woman in a red hooded coat with a patchwork bag is talking to a blonde woman in a grey coat. The woman in red is smoking a cigarette on which she draws occasionally. The scene has the hall marks of a John Le Carré novel. Any moment I expect the woman in red to sit down beside me and give me a coded message: "The daffodils are blooming in St Petersburg." But she did not – she just stubbed out her cigarette and moved off.

So, where is Northampton Square? Why am I interrupting your time recorded day to write about it?

A few months ago I wrote enthusiastically about a book called *Flat Earth News* by Nick Davies (see 'Driven to distraction', *Solicitors Journal* 153/33, 8 September 2009). Some time afterwards, I discovered that Davies runs master classes in investigative reporting and, not having anything better to do on a dreary February Saturday, I signed up to attend – at the City University in Northampton Square.

And it was fascinating. The course was presented by Nick Davies and David Leigh, both veteran investigative reporters who have in their time uncovered all manner of scandal and wrong doing, including sex trafficking of children, Jonathan Aitken and BAE.

The world of investigative reporting is nearer than you might think to legal practice. It is mostly hard slog and painstaking examination of documents. Clandestine meetings with whistleblowers are rare but they do happen – usually after a story has broken.

Not many of us are likely to bring down governments (except by voting them out) but there are many parallels to investigative journalism. We need evidence before we can prove cases. If it is a straightforward traffic accident, you may not need special forensic skills but it is surprising how often we do have to work at getting evidence.

We were taken at break-neck speed through the murky world of corruption, intrigue and espionage and given an insight into how the misdeeds of government, big

business and individuals are unmasked, beginning with: how do you get witnesses to speak to you? That is a problem we have all faced. Ask the average person whether they would like to make a statement to a reporter or a lawyer and the chances are the answer will be: "Neither."

Tricks of the trade

Davies recounted how, as a young reporter, he was asked to interview the widow of a footballer who had dropped dead on the pitch. How could he persuade her to talk in those circumstances? The answer was simple: "I have come to write a tribute to your husband." Once she was talking, she revealed that there was an important story because the footballer had been ill and had just been certified as fit to play, so he was able to produce a story that was much more than a tribute.

Another way of getting people to talk is: "I want to help you put your point of view." But watch out if a reporter says that to you. A colleague fell for it and gave a full interview. The reporter listened intently, but, when the article was published, his client's case was given about half a sentence.

There are other similarities. Reporters have bosses who, increasingly, want more results for less time and money. Newspaper proprietors do not want too much time to go into the exercise if it does not yield results. Sound familiar? "Barr, why are you spending so much time investigating injuries caused by hard boiled eggs when you could be reaping benefits for the firm from little old ladies who have stubbed their toes on dodgy pavements?"

Investigative reporters use many tools for finding information, many related to the internet. Google is just the beginning. If you delve deeper there are many more sources to use.

How do you know if it is a worthwhile story? The answer is that reporters develop an intuition. Something does not feel right and you have a "hang on a minute" moment. A veteran expert I once used put it this way:



does it pass the smell test? Exactly the same thoughts should go through our minds when a client comes in the door to tell us about the wickedness of his neighbour, doctor, employer or local authority. Lawyers and reporters develop a feel for discerning which cases have legs.

Although it is not pleasant to be at the receiving end of investigative journalism, most people would agree that when deployed responsibly it is an essential device to keep in check the excesses of the corrupt, the extravagant and the deceitful. Without investigative reporters we would never have found out about MPs' predilection for duck houses or how some of them suffer from amnesia when trying to remember if they have paid off their mortgages. But all that is currently under threat with the draconian tactics of powerful libel lawyers and PR firms. The threat of libel claims will silence all but the most resolute newspapers. There is no doubt, we were told, that many worthwhile stories never see the light of day because of fears over libel claims.

And so, brimming with zeal I emerged at the end of the course into Northampton Square to find the woman in red sitting next to a man with a carnation in his button hole. As I walked past them I could swear I heard the words "daffodils" and "St Petersburg" waft across in the breeze.

Richard Barr is a consultant with Scott-Moncrieff Harbour and Sinclair and can be contacted by email Richard.barr@paston.co.uk.

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